

## **EXHIBIT-4**

CPW

STATE OF NEW HAMPSHIRE  
CARROLL COUNTY SUPERIOR COURT

BEDROCK REALTY TRUST, . Case No. 03-E-061, 03-E-114,  
vs. . 03-E-144, 05-E-014  
Plaintiff, .  
TOWN OF MADISON, .  
Defendant. .  
.

Ossipee, New Hampshire  
Tuesday, March 13, 2007

APPEARANCES:

For the Plaintiff: Rachel Hampe, Esq.  
MC LANE, GRAF, RAULERSON &  
MIDDLETON  
900 Elm Street, PO Box 326  
Manchester, New Hampshire 03105

For the Defendant: Randall Cooper, Esq.  
COOPER CARGILL CHANT  
2935 White Mountain Highway  
No. Conway, New Hampshire 03860

Audio Operator: Electronically Recorded  
by Monitor Catherine J. Borella

Transcription Company: Rand Reporting & Transcription, LLC  
80 Broad Street, Fifth Floor  
New York, New York 10004  
(212) 504-2919  
[www.randreporting.com](http://www.randreporting.com)

Proceedings recorded by electronic sound recording, transcript  
produced by court-approved transcription service.

(4)

INDEX

<u>WITNESS</u> <u>FOR THE DEFENDANT</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
ROBERT KING	3	50		107
ROGER J. CYR, JR.		109		

Page

<u>MOTION TO DISMISS</u>	116
<u>Court Decision</u>	125

<u>EXHIBIT</u>	<u>Ident.</u>	<u>Evid.</u>
TT 1848 highway districts		22
UU Deed for 50 acres, Harmon to Kennett		22
VV 1782 range lot map		22
EEE Excerpt, Gerry and Henney, 1979		22
NNN-1		
through		
NNN-14 Harmon homestead documents, 1826-1859		22
AAA 1860 map of Madison highways		34
WW 1938 Blister Rust map (two versions)		34
FFF Court clerk letter re: No discontinuances		34
ZZ 1860 Herbert Weston map		108

King - Cross

89

1 Solomon Harmon Road, and you responded, "That's possible because  
2 it was missing on this tracing, as were other things." Isn't  
3 that right?

4 A. That's what I responded, but in fact, that was not  
5 accurate. There are other roads where that was true, but it  
6 wasn't true for -- that's not the reason that I, as you put it,  
7 freehanded it. It is true for other roads, Randall Perkins Road  
8 being an example off the top of my head where it had been left  
9 off of Weston's tracing, even though the cellar hole is shown.

10 Q. And at that time, Mr. King, you didn't discuss all these  
11 other alterations that you made, you just came up with this new  
12 list that you brought to the trial this week.

13 A. No, I didn't just --

14 Q. I don't know when you prepared it, but I'd never been  
15 presented with it before. You didn't discuss it with me at the  
16 deposition, did you?

17 A. Because you caught me cold with that question and I  
18 didn't have the answer. I had to go back and look at my work.  
19 Might have been -- in fact, in my records I have the very Weston  
20 map on which I used Snopake to Snopake out the errors and pen in  
21 the changes. And as I testified earlier, there were twenty-two  
22 such changes that were made to correct errors on the Weston map,  
23 errors that were in conflict with the findings of the committee;

King - Cross

90

1 errors representing things we knew were not accurate on the  
2 Weston map. And our purpose was to put a map in the library as  
3 part of our reports that gave accurate information based on our  
4 committee reports and findings, not to put erroneous information  
5 in front of the public as part of our reports.

6 And Weston's road histories are in the same category.  
7 There were errors in those, too, and we heavily annotated his  
8 written road histories to correct those errors. They weren't all  
9 errors. Sometimes he was using road names that would not be  
10 familiar to people today and we annotated it to show this is what  
11 the road is known as today, for example.

12 Q. In your report you didn't note the changes that you made  
13 to the map, did you?

14 A. We did not and I will admit this as having been an  
15 omission. We didn't expressly mark the map as having been  
16 annotated and altered by the Class VI road, but there is at least  
17 one inscription on the map that I think implies that. We did add  
18 something to the map in a very obvious way.

19 Q. Okay. And then you drew your conclusions, your road  
20 study conclusions, onto a map and you numbered Solomon Harmon  
21 Road as Number 18 in your report, right?

22 A. I'm not sure of the first part of your question. We  
23 did, indeed, number Solomon Harmon Road as Road No. 18 on the map